IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3896 OF 2005

Maruti Gundappa Doddamani. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Mrs. J.P.Akolkar for the Applicant.

Shri K.V.Saste, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 11th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for State.

2. The offence registered against the Applicant is punishable under section 376 and 506 of the Indian Penal Code. On the basis of the liberty granted by this Court by order dated 28th February 2005, the Applicant made an application for bail bearing No.258 of 2005 after charge sheet was filed. The said application was rejected by order dated 8th April 2005. The Second Application made by the Applicant has been rejected by the Sessions Court by order dated 30th May 2005.

3. The learned Advocate for the Applicant submitted that even medical certificate of the prosecutrix indicates that her age is between 17 and 19 years. She submitted that there is absolutely no material on record

to show involvement of the Applicant. Lastly the learned Advocate for the Applicant submitted that the Applicant who is only 20 years of age is in custody from 18th January 2005 and considering his age and considering fact of the charge sheet is filed, the Applicant can be enlarged on bail subject to stringent conditions. The learned A.P.P. has opposed the Applicant by pointing out relevant material on record.

4. The learned 2nd Additional Sessions Judge,Kolhapur while rejecting the application filed by the Applicant after the charge-sheet was filed has noted that the mother of the victim has filed an affidavit. Moreover it is noted that there is no evidence available in respect of the date of birth in the form of Municipal Record as also School record as the victim and her parents are illiterate. The medical certificate records that the age of the victim may be 17 to 19 years. However, such opinion is not conclusive. The other part of the medical certificate may not be of much significance as the prosecutrix was subjected to examination nearly after one month of the date of incident.

5. There is a clear version of the prosecutrix on record implicating the Applicant. Considering the social status of the prosecutrix it is very difficult to

disbelieve the version of the prosecutrix at this stage. Hence no case is made out for grant of bail. The learned Additional Sessions Judge has already directed that the case should be committed to the Sessions Court.

6. Hence the Application is rejected. Considering the young age of the Applicant, if Fast Track Court is available at Kolhapur, the case will be entrusted to the Fast Track Court for ensuring expeditious trial.

Judge.